IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

Crl.Rev.Pet.No. 2373 of 2007()

CRA.218/2002 of II ADDL.SESSIONS COURT, KOLLAM
CC.528/1998 of JUDL.MAGISTRATE OF FIRST CLASS-I, KOLLAM

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REVN. PETITIONER: APPELLANTS/ACCUSED

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1. JOHNSON, S/O. THAMPI,
PARAYIL LAKSHAMVEEDU COLONY, HOUSE NO.12,
PERAYAM CHERRY, MULAVANA VILLAGE, KOLLAM DISTRICT.

2. ANIL KUMAR, S/O. SEBASTIAN,
YESUVILASOM, MULAVANA VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI. K.SIJU

RESPONDENTS: RESPONDENT/COMPLAINANT & STATE

STATE OF KERALA, REPRESENTED BY
THE S.I. OF POLICE, KUNDARA, THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.2373 of 2007

Dated this the 15th day of June, 2007

O R D E R

The revision petitioners stand convicted for the offence under Section 55(a) of the Abkari Act and sentenced to undergo simple imprisonment for two months each and to pay a fine of Rs.25,000/- each and in default, to undergo simple imprisonment for one month each.

2. The prosecution case is that on 27.8.1996 at 9.30 am the accused was found in possession of 5 litres of illicit arrack. Counsel for the revision petitioners have only sought for modification of the sentence pointing out the fact that more than ten years have elapsed since the commencement of the proceedings. The accused were facing criminal proceedings so far. In the circumstances, the sentence is modified to imprisonment till the rising of the court each and to pay a fine of Rs.25,000/- each and in default, to undergo simple imprisonment for one month each. Revision petitioners are granted one month's time from today onwards to remit the fine amount. They shall appear before the Judicial First Class Magistrate Court-I,

Kollam on 2.8.2007 to receive the sentence. Non bailable warrant pending, if any, shall be kept in abeyance till 2.8.2007.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl